

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:12-CR-17

vs.

Hon. Janet T. Neff
United States District Judge

BABUBHAI RATHOD, aka "Dr. Bob,"
RAJESH MAKWANA,
RAJU NAKUM,
SANDEEPKUMAR KANTILAL PATEL,
LINO S. DIAL, Jr., D.O.,
NATALIE SCHUTTE, P.A.,
ANDRE BLAIR SMITH, M.D.,
CLINTON JAMES CORNELL, P.A., and
JOHN ERIC ROBERTS, P.A.,

Defendants.

/

BILL OF PARTICULARS FOR FORFEITURE OF PROPERTY

The United States of America, by and through its attorneys, Patrick A. Miles, Jr., United States Attorney for the Western District of Michigan, and Raymond E. Beckering III and Adam B. Townshend, Assistant United States Attorneys, hereby files the following Bill of Particulars for Forfeiture of Property:

1. On April 19, 2012, a Grand Jury for the Western District of Michigan returned an 8-Count Superseding Indictment charging the Defendants with conspiracy to pay and receive Health care kickbacks, conspiracy to commit health care fraud and payment and receipt of health care kickbacks in violation of 18 U.S.C. §§ 371, 1347, 1349, 2 and 42 U.S.C. § 1320a-7b(b)(1) and (b)(2).

2. The Superseding Indictment contained two Forfeiture Allegations. The first Forfeiture Allegation provided notice to the Defendants Babubhai Rathod, Rajesh Makwana, Raju Nakum, Lino S. Dial, Jr., D.O., Natalie Schutte, P.A., Andre Blair Smith, M.D., Clinton James Cornell, P.A., and John Eric Roberts, P.A. that upon conviction of the conspiracy to pay and receive health care kickbacks charged in Count 1, the United States would, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), seek forfeiture of any property, real or personal, that constitutes or is derived from gross proceeds traceable to the charged offense including, but not limited to, a money judgment in the amount of \$3,000,000 and substitute assets if certain conditions existed under 21 U.S.C. § 853(p). The second forfeiture allegation provided notice to the Defendants Babubhai Rathod, Rajesh Makwana, and Sandeepkumar Kantilal Patel that upon conviction of conspiracy to commit health care fraud as charged in Count 2 of the Superseding Indictment, the United States would, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), seek the forfeiture of a sum of money equal to the amount of gross proceeds traceable to the conspiracy charged in Count 2.

3. On or about January 25, 2012, Special Agents from the Federal Bureau of Investigation seized assets from Defendant's residence, funds contained in bank accounts, and vehicles, pursuant to federal search and seizure warrants.

4. Pursuant to Federal Rule of Criminal Procedure 32.2(a), the United States hereby gives notice to Defendants Babubhai Rathod, Rajesh Makwana, Raju Nakum, Lino S. Dial, Jr., D.O., Natalie Schutte, P.A., Andre Blair Smith, M.D., Clinton James Cornell, P.A., and John Eric Roberts, P.A. that, upon conviction of violating 18 U.S.C. § 371 and 42 U.S.C. § 1320a-7b(b) as set forth in Count 1 of the Superseding Indictment, it will seek forfeiture of the

following property in conjunction with a money judgment to forfeit the gross proceeds traceable to the conspiracy charged in Count 1:

- a. \$74,744.72 in funds seized from PNC Bank Account No. 4251558568, in the name of U.S. Rehab Services P.C.;
- b. One 2008 Honda Odyssey, VIN 5FNRL38968B062678, titled in the name of U.S. Rehab Services, P.C.;
- c. One 2008 Mercedes Benz E350W, VIN WDBUF56X28B208915, titled in the name of U.S. Rehab Services, P.C.;
- d. One 2011 Honda CR-V EXL, VIN 5J6RE4H55BL028291, titled in the name of Amee Prafulchandra Mehta;
- e. \$23,174.23 PNC Bank Account No. 4251558891, in the Name of Lakeshore Spine & Pain P.C.;
- f. \$32,817.62 PNC Bank Account No. 4251558867, in the name of Michigan Rehabilitation Institute DBA American Physical Therapy & Rehab;
- g. \$28,594.38 PNC Bank Acct. No. 4254519337, in the name of Babubhai B. Rathod;
- h. \$2,047.37 PNC Bank Acct. No. 4244612407, in the name of Lakeshore Home Care Inc.;
- i. \$11,309.91 PNC Bank Acct. No. 4252507519, in the name of Lakeshore Home Health Care, Inc.;
- j. \$2,461.06 PNC Bank Acct. No. 4251558883, in the name of U.S. Services;

- k. \$1,358.41 PNC Bank Acct. No. 4251558672, in the Name of Community Physical Therapy and Rehab Center;
- l. \$4,531.64 PNC Bank Acct. No. 4252391675, in the name of U.S. Rehabilitation Services;
- m. \$13,546.91 Isabella Bank & Trust Acct. No. 0169144, in the name of Mission Physical Therapy, Inc.;
- n. \$51,672.27 Isabella Bank & Trust Acct. No. 173823, in the name of Shakti Estates LLC; and
- o. \$10,842.87 PNC Bank Acct. No. 4253647759, in the name of Raju G. Nakum and Rekhaben Rajubhai Nakum.
- p. Real property consisting of real property located at 5511 West U.S. Highway 10, Ludington, Michigan, Township of Pere Marquette, County of Mason, being more fully described as:

Land situated in the Township of Pere Marquette, County of Mason, State of Michigan, described as follows: Commencing at the West 1/4 post of Section 13, Township 18 North, Range 18 West, thence South 86 degrees 27 minutes 21 seconds East along the East and West 1/4 line of Section 13, 364.51 feet to the point of beginning. Thence South 0 degrees 14 minutes 36 seconds West 449.92 feet; thence South 86 degrees 31 minutes 50 seconds East 295.22 feet to the East line of the West 1/2 of the West 1/2 of the Southwest 1/4 (SW 1/4) of Section 13; thence North 0 degrees 39 minutes 33 seconds West 450.00 feet to the East and West 1/4 line; thence North 86 degrees 27 minutes 21 seconds West 288.15 feet to the point of beginning.

Parcel No. 53-010-013-300-006-00.

Titled in the name of: U.S. Services, LLC.

- q. Real property located at 1277 East Cedar Avenue, Gladwin, Michigan, County of Gladwin, being more fully described as:

Land situated in the City of Gladwin, County of Gladwin, State of Michigan, described as follows: Part of the Southeast 1/4 of the

Northeast 1/4 and part of the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 18 North, Range 1 West, Gladwin City, Gladwin County, Michigan, described as: Beginning at the East 1/4 corner of said Section 6; thence North 00 degrees 44 minutes 24 seconds East, along the East Section line, 358.91 feet; thence North 89 degrees 58 minutes 30 seconds West, parallel with the East-West 1/4 line, 225.88 feet; thence South 00 degrees 15 minutes 59 seconds West, parallel with the East 1/8 line, 155 feet; thence North 89 degrees 58 minutes 30 seconds West, parallel with the East-West 1/4 line, 132.68 feet; thence South 00 degrees 15 minutes 59 seconds West, parallel with the East 1/8 line, 225.15 feet to the Northerly Right-of-Way line of Highway M-61; thence North 87 degrees 11 minutes 22 seconds East, along said Northerly Right-of-Way line of Highway M-61, 356.07 feet to the East Section line; thence North 00 degrees 44 minutes 24 seconds East, along the East Section line, 3.64 feet to the point of beginning.

Subject to a 47 feet wide easement for ingress and egress, being part of the Southeast 1/4 of the Northeast 1/4 and part of the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 18 North, Range 1 West, Gladwin City, Gladwin County, Michigan, described as: Beginning at the East 1/4 corner of said Section 6; thence North 00 degrees 44 minutes 24 seconds West, parallel with the East Section line, 171.56 feet to the Northerly Right-of Way line of Highway 61; thence North 87 degrees 11 minutes 22 seconds East, along said Northerly Right-of-Way line of Highway M-61; 47.09 feet to the East Section line; thence North 00 degrees 44 minutes 24 seconds East, along the East Section line, 3.64 feet to the point of beginning.

Parcel No. 170-506-104-005-00.

Titled in the name of: Shakti Estates, LLC.

5. Pursuant to Federal Rule of Criminal Procedure 32.2(a), the United States hereby gives notice to Defendants Babubhai Rathod, Rajesh Makwana, and Sandeepkumar Kantilal Patel that, upon conviction of violating 18 U.S.C. § 1347 and 18 U.S.C. § 1349 as set forth in Count 2 of the Superseding Indictment, it will seek forfeiture of the property listed above in

paragraphs 4(a) through 4(q) in conjunction with a money judgment to forfeit the gross proceeds traceable to the conspiracy charged in Count 2.

Respectfully submitted,

PATRICK A. MILES, JR.
United States Attorney

Dated: July 12, 2012

/s/ Raymond E. Beckering III
RAYMOND E. BECKERING III
ADAM B. TOWNSHEND
Assistant United States Attorneys
P.O. Box 208
Grand Rapids, MI 49501-0208
(616) 456-2404